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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,035	01/20/2004	Clemens Rickert	09225-US	1182
30689	7590	03/17/2006	EXAMINER	
DEERE & COMPANY ONE JOHN DEERE PLACE MOLINE, IL 61265			TORRES, ALICIA M	
			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/761,035		RICKERT, CLEMENS	
	<b>Examiner</b>		<b>Art Unit</b>	
	Alicia M. Torres		3671	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-10 is/are rejected.
- 7) ☒ Claim(s) 11-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cornish et al. 3,731,470 in view of Adams 3,535,859.

Cornish discloses a harvesting machine having a direction of travel comprising:

- A main frame (12)
- A feeder house (78) mounted to the main frame (12) having a front face with a mounting device (156) which is movable with respect to the main frame (12)
- A header (160) releasably mounted to the mounting device (156).

However, Cornish fails to disclose a drive train comprising:

- A header drive shaft supported on the mounting device and driven by the harvesting machine
- A secondary drive shaft mounted on and supplying power to the header and driven by the header drive shaft.

Adams discloses a similar harvesting machine including a drive train comprising:

- A header drive shaft (110) supported on the mounting device (15) and driven by the harvesting machine (not shown)

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- A secondary drive shaft (90) mounted on and supplying power to the header (10) and driven by the header drive shaft (110).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the drive train of Adams on the machine of Cornish in order to provide a convenient disengaging drive.

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cornish and Adams in view of Beougher et al., hereafter Beougher.

The device is disclosed as applied to claim 8 above. However, Cornish and Adams fail to disclose wherein the header includes a center pad being mounted on the mounting device and at least one side pad being attached to the center pad, the at least one side part having a transport position and a work position relative to the center part, and the secondary drive shaft on the center part being connected to the header drive shaft, so that the side part can be brought into the transport position without separating the drive connection between the secondary drive shaft of the center part and the header drive shaft.

Beougher discloses a harvester wherein the header (11) includes a center part (17) being mounted on the mounting device (unnumbered) and at least one side part (18) being attached to the center part (17), the at least one side part (18) having a transport position and a work position relative to the center part (17), and the secondary drive shaft (49) on the center part (17) being connected to the header drive shaft (47), so that the side part (18) can be brought into the transport position without separating the drive connection between the secondary drive shaft (49) of the center part (17) and the header drive shaft (47).

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the pivotal drive of Beougher on the harvester of Cornish and Adams in order to maintain drive over uneven terrain.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cornish and Adams in view of Izakson.

The device is disclosed as applied to claim 8 above. However, Cornish and Adams fail to disclose wherein the harvesting machine is provided with slope equipment that keeps the main frame oriented horizontally when traveling over a slope.

Izakson discloses a similar harvester including wherein the harvesting machine is provided with a slope equipment that keeps the main frame oriented horizontally when traveling over a slope (see column 4, lines 6-9).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the slope equipment of Izakson on the harvester of Cornish and Adams in order to operate on hillsides.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 8-10 have been considered but are moot in view of the new ground(s) of rejection.

Claim 8 requires only that the mounting device be movable relative to the main frame. Cornish's feeder housing (78) and hence the mounting device (156) are movable relative to the

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main frame (12) via hydraulic cylinder (102). There is no structure in the claims limiting the relative "movement" that would preclude the Cornish reference.

***Allowable Subject Matter***

6. Claims 11, 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

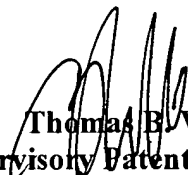
Claims 13-15 are allowed.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 571-272-6997. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 571-272-6998.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 571-273-8300.

  
**Thomas B. Will**  
**Supervisory Patent Examiner**  
**Group Art Unit 3671**

AMT  
March 9, 2006